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9
10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Petition to Revoke Probation
Against:
14 LONNIE CHARLES LAUGHLIN
15 P.O. Box 2
Potrero, CA 91963
16 Registered Nurse No. 512650
17 Respondent.

Case No. 2001-178

**PETITION TO REVOKE
PROBATION**

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Petition to Revoke
22 Probation solely in her official capacity as the Executive Officer of the Board of Registered
23 Nursing.
24 2. On or about July 11, 1995, the Board of Registered Nursing issued
25 Registered Nurse License Number 512650 to Lonnie Charles Laughlin (Respondent). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on January 31, 2009, unless renewed.

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1 maintain an active, current license status with the Board, including during any period of suspension.”

2 (b) At all times after the effective date of the Board’s Decision and
3 Order in Accusation Case No. 2001-78, Condition No. 3 of Respondent’s probation stated:

4 “Respondent, during the period of probation, shall appear in person at
5 interviews/meetings as directed by the Board or its designated representatives.”

6 (c) At all times after the effective date of the Board’s Decision and
7 Order in Accusation Case No. 2001-78, Condition No. 4 of Respondent’s probation stated:

8 “Periods of residency or practice as a registered nurse outside of California
9 will not apply to the reduction of this probationary term. The respondent must provide written
10 notice to the Board within 15 days of any change of residency or practice outside the state.”

11 (d) At all times after the effective date of the Board’s Decision and
12 Order in Accusation Case No. 2001-78, Condition No. 12 of Respondent’s probation stated:

13 “If a respondent violates the conditions of his probation, the Board after giving
14 the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the
15 stayed discipline (revocation) of the Respondent's license. If during the period of probation, an
16 accusation or petition to revoke probation has been filed against the Respondent's license or the
17 Attorney General's Office has been requested to prepare an accusation or petition to revoke probation
18 against Respondent's license, the probationary period shall automatically be extended and shall not
19 expire until the accusation or petition has been acted upon by the Board. Upon successful
20 completion of probation, the Respondent's license will be fully restored.”

21 **FACTS**

22 8. On or about May 2, 2003, the Board placed Respondent’s probation on
23 tolling status, pursuant to Probation Condition No. 4 of the Board’s Decision and Order in
24 Accusation Case No. 2001-178, because Respondent moved his residence out of the state of
25 California and into the state of Nebraska. At the time Respondent’s probation was placed on
26 tolling status, the Board designated that Respondent had completed fourteen (14) months of
27 probation and he had at least eighteen (18) months of probation remaining.

28 9. On or about March 6, 2007, Respondent notified the Board that he had

1 moved his residence back into the state of California. Respondent also requested that his
2 probation be taken off tolling status and that he be allowed to complete the remaining months of
3 probation. However, Respondent failed to notify the Board in writing within fifteen (15) days of
4 changing his residence and moving his residence back into the state of California.

5 10. In or about March 2007, the Board reactivated Respondent's probation in
6 response to Respondent's request.

7 11. On or about June 8, 2007, Respondent's Board-designated Probation
8 Monitor notified Respondent in writing that under the terms of his probation he was required to
9 attend a meeting with her on June 25, 2007, at the time and place designated in said notice. Said
10 written notice was sent to Respondent's address of record in California. On June 25, 2007,
11 Respondent failed to appear at the scheduled meeting with his Probation Monitor as directed in
12 said notice.

13 12. In a letter to the Board, dated July 2, 2007, Respondent stated that he was
14 not able to attend or complete the educational courses required under the terms of his probation.
15 Respondent also stated that, due to the impossibility of completing said required educational
16 courses and his probation, he intended to retire from his career as a registered nurse and to
17 voluntarily surrender his registered nursing license.

18 13. On or about July 16, 2007, the Board sent a letter to Respondent which
19 provided him written notice of his alleged probation violations ("Notice of Violation") and
20 advised Respondent that the Board was referring the matter to the Attorney General's Office for
21 further action against his registered nursing license. Said Notice of Violation was sent to
22 Respondent's address of record via certified and first class mail.

23 14. On or about July 30, 2007, the Board requested that the Attorney General's
24 Office prepare a Petition to Revoke Probation against Respondent's registered nursing license.

25
26 **FIRST CAUSE TO REVOKE PROBATION**
 (Failure to Report in Person at Meeting with Probation Monitor)

27 15. Respondent's probation is subject to revocation because he failed to
28 comply with Probation Condition No. 3, referenced above, in that he failed to appear in person at

1 a meeting with a Board representative as directed in writing by the Board. The facts and
2 circumstances regarding this violation are described in paragraphs 8 through 14, above,
3 incorporated herein by reference.

4 **SECOND CAUSE TO REVOKE PROBATION**
5 **(Failure to Provide Timely Written Notice of Change of Residency)**

6 16. Respondent's probation is subject to revocation because he failed to
7 comply with Probation Condition No. 4, referenced above, in that he failed to notify the Board in
8 writing within 15 days of any change of residency, as described in detail above in paragraphs 8
9 through 14, which are incorporated herein by reference.

10 **THIRD CAUSE TO REVOKE PROBATION**
11 **(Failure to Comply With Probation Program)**

12 17. Respondent's probation is subject to revocation because he failed to
13 comply with Probation Condition No. 12, referenced above, in that he failed to comply with
14 Condition No. 3 and Condition No. 4 of his probation, as described in detail above in paragraphs
15 8 through 14, which are incorporated herein by reference.

16 **DISCIPLINE CONSIDERATIONS**

17 18. To determine the degree of discipline, if any, to be imposed on
18 Respondent, Complainant alleges that on or about March 3, 2003, in a prior disciplinary action
19 entitled "In the Matter of the Accusation Against Lonnie Charles Laughlin" before the Board of
20 Registered Nursing, in Case No. 2001-78, Respondent's license was disciplined for engaging in
21 unprofessional conduct (conviction of a substantially related crime), in violation of Business and
22 Professions Code section 2761(f). Respondent's underlying criminal conviction arose from
23 Respondent's admitted violation of Penal Code section 242 (assault). The circumstances of the
24 crime for which Respondent was convicted are that on or about June 26, 1999, Respondent hit
25 J.A. in the head with a flashlight during a verbal altercation following a near traffic accident.
26 That decision is now final.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 201-78 and imposing the disciplinary order of revocation that was stayed, thereby revoking Registered Nurse License No.512650 issued to Lonnie Charles Laughlin

2. Taking such other and further action as deemed necessary and proper.

DATED: 4/1/08


RUTH ANN TERRY, M.P.H, R.N
Executive Officer
Board of Registered Nursing
State of California
Complainant

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80180664.wpd

Exhibit A
Decision and Order
Board of Registered Nursing Case No. 2001-78

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

LONNIE CHARLES LAUGHLIN
P.O. Box 988
Spring Valley, CA 91976

Registered Nurse License No. 512650

Respondent.

Case No. 2001-78

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on March 3, 2002.

It is so ORDERED February 1, 2002.

Sandra S. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD D. GARSKE, State Bar No. 50569
Deputy Attorney General
3 California Department of Justice
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7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2001-78

13 LONNIE CHARLES LAUGHLIN
P.O. Box 988
14 Spring Valley, CA 91976

OAH No. 1-2001010507

15 Registered Nurse License No. 512650

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:
20

21 PARTIES

22 1. Complainant Ruth Ann Terry, M.P.H., R.N. is the Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
25 Richard D. Garske, Deputy Attorney General.

26 2. Respondent Lonnie Charles Laughlin ("Respondent") is represented in this
27 proceeding by attorney Joseph L. Rubin, whose address is Attorney at Law, 160 Thorn Street
28 #2A, San Diego, CA 92103.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Registered Nurse License No. 512650 issued to
3 Respondent Lonnie Charles Laughlin is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

5 **SEVERABILITY CLAUSE** - Each term and condition of probation contained herein is a
6 separate and distinct term and condition. If any term and condition of this Order, or any
7 application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of
8 this Order, and all other applications thereof, shall not be affected. Each term and condition of
9 this Order shall separately be valid and enforceable to the fullest extent permitted by law.

10 (1) **OBEY ALL LAWS** - Respondent shall obey all federal, state and local laws.
11 A full and detailed account of any and all violations of law shall be reported by the respondent to
12 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
13 compliance with this term, respondent shall submit completed fingerprint cards and fingerprint
14 fees within 45 days of the effective date of the decision, unless previously submitted as part of
15 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of
16 himself within 45 days of the effective date of the final decision.

17 (2) **COMPLY WITH PROBATION PROGRAM** - Respondent shall fully
18 comply with the terms and conditions of the Probation Program established by the Board and
19 cooperate with representatives of the Board in its monitoring and investigation of the
20 respondent's compliance with the Probation Program. Respondent shall inform the Board in
21 writing within no more than 15 days of any address change and shall at all times maintain an
22 active, current license status with the Board, including during any period of suspension.

23 (3) **REPORT IN PERSON** - Respondent, during the period of probation, shall
24 appear in person at interviews/ meetings as directed by the Board or its designated representatives.

25 (4) **RESIDENCY OR PRACTICE OUTSIDE OF STATE** - Periods of
26 residency or practice as a registered nurse outside of California will not apply to the reduction of
27 this probationary term. The respondent must provide written notice to the Board within 15 days of
28 any change of residency or practice outside the state.

1 **(5) SUBMIT WRITTEN REPORTS** - Respondent, during the period of
2 probation, shall submit or cause to be submitted such written reports/declarations and verification
3 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
4 contain statements relative to respondent's compliance with all the terms and conditions of the
5 Board's Probation Program. Respondent shall immediately execute all release of information
6 forms as may be required by the Board or its representatives.

7 **PROVIDE DECISION**

8 Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and
9 territory in which he or she has a registered nurse license.

10 **(6) FUNCTION AS A REGISTERED NURSE** - Respondent, during the period
11 of probation, shall engage in the practice of registered nursing in California for a minimum of 20
12 hours per week for 7 consecutive months or as determined by the Board. For purposes of
13 compliance with the section, "engage in the practice of registered nursing" may include, when
14 approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care
15 position that requires licensure as a registered nurse. The Board may require that advanced practice
16 nurses engage in advanced practice nursing for a minimum of 20 hours per week for 7 consecutive
17 months or as determined by the Board. If respondent has not complied with this condition during
18 the probationary term, and the respondent has presented sufficient documentation of his good faith
19 efforts to comply with this condition, and if no other conditions have been violated, the Board, in its
20 discretion, may grant an extension of the respondent's probation period up to one year without
21 further hearing in order to comply with this condition.

22 **(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS** -

23 Respondent shall obtain prior approval from the Board before commencing any employment, paid
24 or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
25 performance evaluations and other employment related reports as a registered nurse upon request of
26 the Board. Respondent shall provide a copy of this decision to his employer and immediate
27 supervisor prior to commencement of any nursing or other health care related employment.
28 Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any

1 nursing or other health care related employment, when such employment is not as a registered
2 nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after he is
3 terminated from any registered nursing, other nursing, or other health care related employment with
4 a full explanation of the circumstances surrounding the termination.

5 (8) **SUPERVISION** - Respondent shall obtain prior approval from the Board
6 regarding respondent's level of supervision and/or collaboration before commencing any
7 employment as a registered nurse. Respondent shall practice only under the direct supervision of a
8 registered nurse in good standing (no current discipline) with the Board of Registered Nursing,
9 unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice
10 nurse or physician) are approved. Respondent's level of supervision and/or collaboration may
11 include, but is not limited to the following:

12 (a) Maximum - The individual providing supervision and/or collaboration is
13 present in the patient care area or in any other work setting at all times.

14 (b) Moderate - The individual providing supervision and/or collaboration is in the
15 patient care unit or in any other work setting at least half the hours respondent works.

16 (c) Minimum - The individual providing supervision and/or collaboration has
17 person-to-person communication with respondent at least twice during each shift worked.

18 (d) Home Health Care - If respondent is approved to work in the home health care
19 setting, the individual providing supervision and/or collaboration shall have person-to-
20 person communication with respondent as required by the Board each work day.

21 Respondent shall maintain telephone or other telecommunication contact with the
22 individual providing supervision and/or collaboration as required by the Board during each
23 work day. The individual providing supervision and/or collaboration shall conduct, as
24 required by the Board, periodic, on-site visits to patients' homes visited by the respondent
25 with or without respondent present.

26 (9) **EMPLOYMENT LIMITATIONS** - Respondent shall not work for a nurse's
27 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or
28 for an in-house nursing pool. Respondent shall not work for a licensed home health agency as a

1 visiting nurse unless the registered nursing supervision and other protections for home visits have
2 been approved by the Board. Respondent shall not work in any other registered nursing occupation
3 where home visits are required. Respondent shall not work in any health care setting as a
4 supervisor of registered nurses. The Board may additionally restrict respondent from supervising
5 licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.
6 Respondent shall not work as a faculty member in an approved school of nursing or as an instructor
7 in a Board approved continuing education program. Respondent shall work only on a regularly
8 assigned, identified and predetermined worksite(s) and shall not work in a float capacity.
9 If the respondent is working or intends to work in excess of 40 hours per week, the Board may
10 request documentation to determine whether there should be restrictions on the hours of work.

11 (10) **COMPLETE A NURSING COURSE(S)** - Respondent, at his own
12 expense, shall enroll and successfully complete a course(s) relevant to the practice of registered
13 nursing no later than six months prior to the end of his probationary term. Respondent shall obtain
14 prior approval from the Board before enrolling in the course(s). Respondent shall submit to the
15 Board the original transcripts or certificates of completion for the above required course(s). The
16 Board shall return the original documents to respondent after photocopying them for its records.

17 (11) **COST RECOVERY** - Respondent shall pay to the Board costs associated
18 with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in
19 the amount of \$500.00. Respondent shall be permitted to pay these costs in a payment plan
20 approved by the Board, with payments to be completed no later than three months prior to the end
21 of the probation term.

22 (12) **VIOLATION OF PROBATION** - If a respondent violates the conditions of
23 his probation, the Board after giving the respondent notice and an opportunity to be heard, may set
24 aside the stay order and impose the stayed discipline (revocation) of the respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has
26 been filed against respondent's license or the Attorney General's Office has been requested to
27 prepare an accusation or petition to revoke probation against the respondent's license, the
28 probationary period shall automatically be extended and shall not expire until the accusation or

1 petition has been acted upon by the Board. Upon successful completion of probation, the
2 respondent's license will be fully restored.

3 (13) **THERAPY OR COUNSELING PROGRAM** - Respondent, at his expense,
4 shall participate in an on-going counseling program until such time as the Board releases him from
5 this requirement and only upon the recommendation of the counselor. Written progress reports
6 from the counselor will be required at various intervals.

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ACCEPTANCE

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I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed the terms and conditions and other matters contained therein with my attorney Joseph L. Rubin. I understand the effect this stipulation will have on my Registered Nurse License No. S12650. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and Decision of the Board of Registered Nursing. I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 7/13/2001

Lonnie Charles Laughlin
LONNIE CHARLES LAUGHLIN
Respondent

DATED: 7/13/2001

Joseph L. Rubin
JOSEPH L. RUBIN
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7/13/01

BILL LOCKYER, Attorney General
of the State of California



RICHARD D. GARSKE
Deputy Attorney General

Attorneys for Complainant

Exhibit A:
Accusation Case No. 2001-78

1 BILL LOCKYER, Attorney General
of the State of California
2 RICHARD D. GARSKE, State Bar No. 50569
Deputy Attorney General
3 110 West "A" Street, Suite 1100
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5 Facsimile: (619) 645-2061

6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:) NO. 2001-78
12)
12 LONNIE CHARLES LAUGHLIN)
P.O. Box 988) **ACCUSATION**
13 Spring Valley, California 91976)
14 Registered Nurse License No. 512650)
Respondent.)
15)
16 _____)

17 Ruth Ann Terry, M.P.H., R.N., for causes for discipline, alleges:

18
19 1. Complainant Ruth Ann Terry, M.P.H., R.N., makes and files this
20 Accusation in her official capacity as Executive Officer, Board of Registered Nursing,
21 Department of Consumer Affairs.

22 **LICENSE INFORMATION**

23 2. On July 11, 1995, the Board of Registered Nursing issued registered nurse
24 license number 512650, to Lonnie Charles Laughlin (respondent herein). The license will expire
25 on January 31, 2001, unless renewed.

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1 **JURISDICTION**

2 3. Under Business and Professions Code section 2750, the Board of
3 Registered Nursing may discipline any license, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

5 4. Under Business and Professions Code section 2761, the Board of
6 Registered Nursing may take disciplinary action against a licensed nurse or an applicant for a
7 license for any act constituting cause for disciplinary action under that section.

8 5. Under Business and Professions Code section 2764, the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the license or to render a decision imposing discipline on the license.

11 6. Under Business and Professions Code section 125.3, the Board of
12 Registered Nursing may request the administrative law judge to direct a licentiate found to have
13 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
14 costs of the investigation and enforcement of the case.

15 **GROUND FOR DISCIPLINE**

16 7. Respondent has subjected his license to discipline under Business and
17 Professions Code section 2761(f), in that on July 29, 1999, respondent was convicted by the
18 court on his plea of nolo contendere to a violation of Penal Code section 242 (assault), in the
19 Municipal Court of San Diego County, El Cajon Judicial District, in case number CE 198251,
20 entitled *People vs. Lonnie Charles Laughlin*.

21 The circumstances of the crime for which respondent was convicted are that on or
22 about June 26, 1999, respondent hit J.A. in the head with a flashlight during a verbal altercation
23 following a near traffic accident.

24 8. Such conduct is substantially related to the qualifications, functions, or
25 duties of a registered nurse in that it evidences a present or potential unfitness on the part of
26 respondent to perform the duties of a registered nurse in a manner consistent with the public
27 health, safety, or welfare.

1 OTHER MATTERS

2 9. To determine the degree of penalty, if any, to be imposed on respondent,
3 complainant alleges that on May 23, 1990, respondent was convicted by the court on his plea of
4 guilty to a violation of Penal Code section 594(a)(b)4 (vandalism under \$1,000), in the
5 Municipal Court of San Diego County, El Cajon Judicial District, in case number C 108264,
6 entitled *People vs. Lonnie Charles Laughlin*.

7 The circumstances of the crime for which respondent was convicted are that on or
8 about April 20, 1990, during a verbal altercation following a minor traffic accident, respondent
9 made a scratch approximately 6 inches long to the side of M.T.'s vehicle.

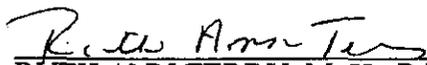
10 **WHEREFORE**, complainant prays that a hearing be held and that the Board of
11 Registered Nursing make its order:

12 1. Revoking or suspending registered nurse license number 512650, issued to
13 Lonnie Charles Laughlin.

14 2. Ordering Lonnie Charles Laughlin to pay to the Board of Registered
15 Nursing its costs in investigating and enforcing the case according to proof at the hearing,
16 pursuant to Business and Professions Code section 125.3.

17 3. Taking such other and further action as may be deemed proper and
18 appropriate.

19
20 DATED: 9/19/00

21 
22 RUTH ANN TERRY, M.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California

27 Complainant

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(ps) 9/12/00